



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 11 2015

REPLY TO THE ATTENTION OF:

WG-15J

CERTIFIED MAIL 7009 1680 0000 7672 3978
RETURN RECEIPT REQUESTED

James and Amy Schams, Owners
Bluffview Commons
W5445 CTH F
La Crosse, Wisconsin 54601

Re: Notice of Violation for Bluffview Commons
Public Water System Identification Number: WI6320315
Docket Number: 1500013

Dear Sir/Madam:

This Notice of Violation (NOV) is issued pursuant to Section 1414(a)(1) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300g-3(a)(1). Our records indicate that Bluffview Commons public water system (PWS) has violated SDWA and the National Primary Drinking Water Regulations at 40 C.F.R. Section 141.85(d) for failing to issue lead consumer notice for samples collected on September 26, 2012. Bluffview Commons PWS is also in violation of 40 C.F.R. Section 141.90(f) for failing to submit information to the Wisconsin Department of Natural Resources (WDNR) that this lead consumer notice was issued.

On March 30, 2015, WDNR requested that the United States Environmental Protection Agency (U.S. EPA) accept this matter for enforcement of the lead consumer notice requirements. On April 27, 2015, U.S. EPA sent you a letter identifying these violations and outlining actions that you need to take in order to comply with the lead consumer notice requirements.

In order to return to compliance, the Bluffview Commons PWS must take the following actions:

1. Immediately issue lead consumer notices as outlined in 40 C.F.R. Section 141.85(d), to the occupants of residences where the kitchen or bathroom sink tap was tested.
2. Complete and return (a) the enclosed lead consumer notice certification form and (b) a sample copy of a lead consumer notice that was issued, to U.S. EPA and WDNR at the following addresses:

Dorothy Wormbly
U.S. EPA Region 5 (WG-15J)
Ground Water and Drinking Water Branch
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
Phone: (312) 886-9736
Fax: (312) 697-2572

Mark Nelson
Wisconsin Department of Natural Resources
Bureau of Drinking Water and Groundwater
PO Box 7921
Madison, Wisconsin 53707-7921
Phone: (608) 267-4230
Fax: (608) 267-7650

Enclosed is a template that you may use to provide consumer notice along with a copy of the lead consumer notice certification form.

There is no safe level of lead exposure. It is especially important for you to ensure that you provide information about lead sampling results to all of your consumers who occupy buildings that are tested for lead because you may be serving children, and they are more sensitive to contaminants than adults. Children six years old and under are at particular risk to lead. Among other things, lead exposure in children can affect brain development and lead to permanent learning disabilities. Lead is also harmful to the development of fetuses in pregnant women.

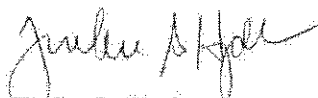
Your prompt attention to this matter is greatly appreciated. Continued noncompliance may lead to formal enforcement actions.

In addition, whenever taking lead tap samples in the future, please remember to provide notice of lead results to the individuals served by the taps as specified above and submit a lead consumer notice certification form to WDNR.

Enclosed with this letter is an information sheet entitled *U.S. EPA Small Business Resources* that may be helpful if you are a qualified small business.

If you have any questions, or if the required notifications were issued, please contact Dorothy Wormbly at (312) 886-9736 or wormbly.dorothy@epa.gov.

Sincerely,



Tinka G. Hyde
Director, Water Division

Enclosures

1. Customer Notice of Lead and Copper Results in Drinking Water Template
2. Certification Form for Consumer Notice of Tap Water Results
3. Sections of the Code of Federal Regulations applicable to this NOV
4. EPA Small Business Resources Information Sheet

cc: Mark Nelson, WDNR (Mark.Nelson@wisconsin.gov)
Jason A. Gazdecki, WDNR (jason.gazdecki@wisconsin.gov)

Customer Notice of Lead and Copper Results in Drinking Water

As a public water system we are required to test our tap water for **lead and copper** corrosion products from actual drinking water taps and notify participants of their test results. Listed below are test results of samples collected.

Public Water Supply Name:			
County:		PWSID:	
Sample Address:			Date Sampled:
Sample Location: (i.e. kitchen tap, etc)			

Thank you for participating in our drinking water lead and copper monitoring program. The results of the lead and copper sample collected at your location are in the table below.

Contaminant	Action Level (parts per billion or ppb)	Maximum Contaminant Level Goal (ppb)	Your Result (ppb)
Lead	15	0	
Copper	1300	1300	

The regulation requires systems to collect tap samples from sites served by the system that are more likely to have plumbing materials containing lead. If more than 10% of tap water samples exceed the lead action level of 15 parts per billion or the copper action level of 1300 parts per billion, then water systems are required to take additional actions including:

- For lead action level exceedances, educating the public about lead in drinking water and actions consumers can take to reduce their exposure to lead.
- For systems with lead service lines, replacing the portions of lead service lines (lines that connect distribution mains to customers) under the water system's control.
- Taking further steps to optimize their corrosion control treatment.

Definition of Terms

ug/l: micrograms per liter. This is equivalent to one part-per-billion or *ppb*.

Action Level: The concentration of lead or copper which, if exceeded in greater than ten percent of the total number of samples collected by a public water system, triggers one or more of the actions specified above. The lead action level is not health-based. It was established based on the feasible lead level that public water systems could meet.

Maximum Contaminant Level Goal: The level of lead or copper in drinking water below which there is no known or expected risk to health. The MCLG for lead is 0 (zero) ppb, based on information from EPA and CDC that there is no identifiable level of lead that is without risk, and the MCLG for copper is 1300 ppb which is the same as the copper action level and water at or below this level is considered safe.

Explanation of the Health Effects of Lead and Copper

Lead causes serious health problems if too much enters your body from drinking water and other sources. Drinking water is just one way we consume lead. EPA estimates that less than 20% of lead exposure for the overall population is from drinking water. Infants who consume mostly mixed formula can receive 40 to 60 percent of their exposure to lead from drinking water. Other major sources include lead paint dust, soil and food, food and beverage containers, leaded gasoline and occupational exposure.

Too much lead can cause damage to the brain and kidneys, and it interferes with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects of lead on the brain with lowered IQ in children. Adults with kidney problems and high blood pressure can be affected by lower levels of lead more than healthy adults. Lead is stored in the bones, so it can be released later in life. During pregnancy, the child receives lead from the mother's bones, which may affect brain development.

Some people who drink water containing copper in excess of the action level may, with short term exposure, experience nausea, cramps, diarrhea and/or vomiting with the more severe effects associated with higher levels of copper; and with long-term exposure may experience liver or kidney damage. People with Wilson's Disease should consult their personal doctor if the amount of copper in their water exceeds the action level.

How to Reduce or Eliminate your Exposure to Lead and Copper in Drinking Water

Lead and copper originate in plumbing materials and are released from lead service lines, pipes, valves and faucets by corrosion or friction. Wisconsin banned the use of lead service lines, lead solder in 1984. Prior to then, lead was widely used in pipes, pipe solder, packing, valves, meters, and as solid pipe. Brass is an alloy containing up to 15% lead, and most valves and faucets have brass bodies. Copper pipes installed prior to 1985 may have lead solder joints. Water quality affects how readily plumbing corrodes. Softened or highly treated water is more aggressive and tends to dissolve pipes and other plumbing materials. The following actions will help reduce your exposure to lead and copper in drinking water:

- *Check whether your home has a lead service line connecting to the water main.* Homes with lead service lines will have higher lead levels than the compliance results may indicate.
- *Flush the water lines before drinking any time the water has been motionless in the distribution system for four hours or more.* The amount of time you should flush your water depends on whether your home has a lead service line or not.
 - For homes without lead service lines, flushing the tap for one minute will reduce lead levels in the water.
 - For homes with lead service lines, the water lines should be thoroughly flushed to clear the water from the lead service line before water is used for drinking or cooking. This may take five minutes or longer depending on the length of the lead service line.
- *Use cold water for cooking and preparing baby formula.* Do not cook with or drink water from the hot water tap; lead dissolves more easily in hot water.
- *Do not boil water to remove lead.* Boiling water will not reduce lead levels and can increase the lead concentration in the water.
- *Look for alternative sources or treatment of water.* If you have a lead service line, you should consider using bottled water or purchasing a water filter. Read the package to be sure the filter is approved to reduce lead or contact NSF International at 800-NSF-8010, or www.nsf.org for information on performance standards for water filters.
- *Identify if your plumbing fixtures contain lead.* New faucets, fittings, and valves, may contain up to 8 percent lead including those advertised or labeled as "lead-free" and may contribute lead to drinking water. Consumers should be aware of this when choosing fixtures and take appropriate precautions.

If your home has a lead service line, you should consider taking an additional water sample after flushing for five minutes to determine if the flushing time is sufficient. Most labs charge about \$25 for a metals analysis.

For more information call _____ or visit the WDNR website to view or print a brochure about lead at <http://dnr.wi.gov/topic/drinkingwater/documents/forms/lead.pdf> and about copper at <http://dnr.wi.gov/topic/drinkingwater/documents/forms/copperdg027.pdf>

CERTIFICATION FORM FOR
CONSUMER NOTICE OF TAP WATER RESULTS

PWS Name: Bluffview Commons

PWSID#: WI6320315

For Lead and Copper Samples Collected on:

The public water system indicated above hereby affirms that consumer notice of tap water results has been distributed in a manner consistent with the requirements of §141.85(d).

☐ Notice distributed by _____ on
(insert method) *(insert date)*

Signature of owner or operator: _____

Date: _____

Title 40 of the Code of Federal Regulations (C.F.R.)
Sections 141.85(d) and 141.90(f)(3)

http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=61974a50bdb3c001ba3a05a4126f61ea&tp=/ecfrbrowse/Title40/40cfr141_main_02.tpl

§ 141.85 Public education and supplemental monitoring requirements.

(d) Notification of results

(1) *Reporting requirement.* All water systems must provide a notice of the individual tap results from lead tap water monitoring carried out under the requirements of § 141.86 to the persons served by the water system at the specific sampling site from which the sample was taken (e.g., the occupants of the residence where the tap was tested).

(2) *Timing of notification.* A water system must provide the consumer notice as soon as practical, but no later than 30 days after the system learns of the tap monitoring results.

(3) *Content.* The consumer notice must include the results of lead tap water monitoring for the tap that was tested, an explanation of the health effects of lead, list steps consumers can take to reduce exposure to lead in drinking water and contact information for the water utility. The notice must also provide the maximum contaminant level goal and the action level for lead and the definitions for these two terms from § 141.153(c).

(4) *Delivery.* The consumer notice must be provided to persons served at the tap that was tested, either by mail or by another method approved by the State. For example, upon approval by the State, a non-transient non-community water system could post the results on a bulletin board in the facility to allow users to review the information. The system must provide the notice to customers at sample taps tested, including consumers who do not receive water bills.

§ 141.90 Reporting requirements.

(f) Public education program reporting requirements.

(3) No later than 3 months following the end of the monitoring period, each system must mail a sample copy of the consumer notification of tap results to the State along with a certification that the notification has been distributed in a manner consistent with the requirements of § 141.85(d).

§ 141.153(c) Definitions

(1)(i) *Maximum Contaminant Level Goal or MCLG:* The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

(3)(ii) *Action Level:* The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.



U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

ecar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center

www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center

Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Small Business Resources

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.epa.gov/sbo/507program.htm

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www2.epa.gov/enforcement/small-businesses-and-enforcement

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.